

00-*R*-1242

Entered - 04/08/00 - sb
CL00L0230 - DIANNE C. MITCHELL

CLAIM OF: MABEL FOSTER,

through her attorney,

John M. Foy

1750 Peachtree Street, NW, Suite 201
Atlanta, Georgia 30309

For damages alleged to have been sustained as a

result of a vehicular accident on March 7, 2000 at
Winton Terrace, NE and Boulevard, NE.

BY PUBLIC SAFETY AND LEGAL
ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of
Atlanta that the action of the Department of Law
be approved in authorizing payment to MABEL
FOSTER, through her attorney, John M. Foy the
sum of \$1,000.00 in full settlement and
satisfaction of all claims, past, present and future,
of every kind and character for damages alleged to
have been sustained as a result of a vehicular
accident on March 7, 2000 at Winton Terrace, NE
and Boulevard, NE as is more particularly set
forth in the within claim; said sum taken from and
charged to account 1A01/529017/T31001,
Settlement of Suits and Claims, Department of
Law.

CONSENT AGENDA

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

SEP 05 2000

COUNCIL

FAVORABLE REPORT
COM. *Public Safety*

DATE *8/15/2000*

CHIEF *C. T. Martin*

Marking

Barry
Debra Pearson

CERTIFIED
SEP 5 2000

SEP 14 2000

APPROVED

SEP 14 2000

WITHOUT SIGNATURE
BY OPERATION OF LAW

ADOPTED BY

CERTIFIED
SEP 05 2000

Rosalind Rubens Newell
MUNICIPAL CLERK



**MUNICIPAL CLERK
ATLANTA, GEORGIA**

00-R-1242

A RESOLUTION

**BY PUBLIC SAFETY AND
LEGAL ADMINISTRATION COMMITTEE**

BE IT RESOLVED BY the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Mabel Foster, through her attorney, John M. Foy** in the sum of **\$1000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as a **result of a vehicular accident on March 7, 2000 at Winton Terrace, NE and Boulevard, NE** as is more particularly set forth in the within claim; said sum taken from and charged to Account 1A01/529017/T31001, Settlement of Suits and Claims, Department of Law.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

**ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403**

SEP 05, 2000

SEP 14, 2000

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0230

Date: July 27, 2000

Claimant /Victim MABEL FOSTER
BY: (Atty) John M. Foy
Address: 1750 Peachtree Street, NW, Suite 201, Atlanta, Georgia 30309
Subrogation: Claim for Property damage \$ Bodily Injury \$ 18,000.00
Date of Notice: 04/18/00 Method: Written, proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 03/07/00 Place: Winton Terrace, NE and Boulevard, NE
Department Police Division:
Employee involved D. Little Disciplinary Action: No Action Taken

NATURE OF CLAIM: The driver of the City vehicle backed into the vehicle the claimant was driving causing injuries in the above amount.

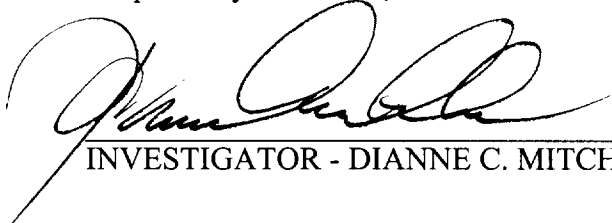
INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police X Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other Damages reasonable
City not involved Offer rejected Compromise settlement X
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent X Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ 1,000.00 Adverse Account charged: 1A01 X 2J01 2H01
Claims Manager:  Concur/date 07-27-00
Committee Action: Council Action

SOBELL & FOY
A PROFESSIONAL CORPORATION
ATTORNEYS & COUNSELORS AT LAW
1750 PEACHTREE STREET, N.W.
SUITE 201
ATLANTA, GEORGIA 30309

Reeves
04/17/00
[Signature]

DAVID M. SOBELL*
JOHN M. FOY

*ALSO ADMITTED IN AL

TELEPHONE
(404) 873-4488
FACSIMILE
(404) 873-4490

ENTERED - 4-18-00 - SB
00L0230 - MIKE REEVES

April 11, 2000

VIA CERTIFIED MAIL

The Atlanta City Council
Office of the President
Mr. Robb Pitts
55 Trinity Ave.
Suite 2900
Atlanta, GA 30335

Re: **Ante Litem Notice**

Our Client(s): Mabel Foster, Donte Gathing
Date of Incident: 03/07/00
Location: Winton Terrace, NE and Boulevard, NE, Atlanta, GA

Dear Mr. Pitts,

This letter shall provide official notice to The City of Atlanta of a claim for damages in accordance with O.C.G.A. section 36-33-5. Our clients, Mabel Foster and Donte Gathing, were injured as a result of Officer D. Little's negligence while he was on duty with the Atlanta Police Department. While watching suspect[s], Officer Little put his unmarked police car into reverse and accelerated into the car behind him occupied by our clients. Officer Little was clearly at fault. Enclosed please find the Georgia Uniform Motor Vehicle Accident Report # 000672151 which details the accident.

Our clients, Mabel Foster and Donte Gathing, were injured as a result of the impact and the car Ms. Foster was driving was damaged. Both of our clients suffered injuries to their necks and backs and are currently treating with Dr. Gentry. We will forward their medical records as they become available.

By this letter, we are requesting that this claim be submitted to The City of Atlanta governing authority for adjustment. Should you have any questions regarding this matter, please do not hesitate to call. Thank you for your time and attention to this matter.

Very truly yours,

SOBELL & FOY, P.C.

[Signature]
John M. Foy
Attorney at Law

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 00L0230

\$ 1,000.00

IN CONSIDERATION of the sum of ONE THOUSAND AND NO/100
 DOLLARS, to be paid to me by the CITY OF ATLANTA, the future receipt of which is hereby
acknowledged, I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever
discharge said City, its officers and employees, including but not limited to D. Little, from any and all claims,
demands, actions, causes of action, suits, damages, loss and expenses, of whatsoever kind or nature for or on account
of anything that has heretofore occurred, and particularly for or on account of a vehicular accident
which occurred on or about the 7th day of March, 2000,
at or near Winton Terrace, NE and Boulevard, NE.

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 26 day of Mar July, 2000.

Mabel H. Foster (LS)
MABEL FOSTER

John M. Foy (LS)
JOHN M. FOY, ATTORNEY AT LAW

The above release was read and explained to, and signed by the said _____

_____ in our presence on the date above written.

Long Escobedo
Witnesses

RCS# 2194 :
9/05/00
2:17 PM

Atlanta City Council

Regular Session

CONSENT

Pages: 1-12

Adopt

YEAS:	13	SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA
NAYS:	0	
ABSTENTIONS:	0	
NOT VOTING:	3	
EXCUSED:	0	
ABSENT	0	

Y McCarty	Y Dorsey	Y Moore	Y Thomas	ITEM (S) REMOVED FROM <u>CONSENT AGENDA</u> 00-O-1007 00-R-1309
Y Starnes	NV Wooldard	Y Martin	Y Emmons	
NV Bond	Y Morris	Y Maddox	Y Alexander	
Y Winslow	Y Muller	Y Boazman	NV Pitts	

CONSENT

09/05/00 Council Meeting	
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSED ON CONSENT AGENDA
<ol style="list-style-type: none"> 1. 00-O-1102 2. 00-O-1143 3. 00-O-1207 4. 00-O-1295 5. 00-O-1303 6. 00-O-1313 7. 00-O-1124 8. 00-O-1125 9. 00-O-1126 10. 00-O-1127 11. 00-O-1128 12. 00-O-1133 13. 00-O-1196 14. 00-O-1298 15. 00-O-1122 16. 00-O-1300 17. 00-R-1198 18. 00-R-1230 19. 00-R-1290 20. 00-R-1312 21. 00-R-1316 22. 00-R-1265 23. 00-R-1266 24. 00-R-1267 25. 00-R-1268 26. 00-R-1270 27. 00-R-1314 28. 00-R-1229 29. 00-R-1233 30. 00-R-0886 31. 00-R-1236 32. 00-R-1237 33. 00-R-1238 34. 00-R-1239 35. 00-R-1240 36. 00-R-0241 37. 00-R-1242 38. 00-R-1243 39. 00-R-1244 	<ol style="list-style-type: none"> 40. 00-R-1235 41. 00-R-1245 42. 00-R-1246 43. 00-R-1247 44. 00-R-1248 45. 00-R-1249 46. 00-R-1250 47. 00-R-1251 48. 00-R-1252 49. 00-R-1253 50. 00-R-1254 51. 00-R-1255 52. 00-R-1256 53. 00-R-1257 54. 00-R-1258 55. 00-R-1259 56. 00-R-1260 57. 00-R-1261 58. 00-R-1262 59. 00-R-1263 60. 00-R-1264